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7 UNITED STATES DISTRICT COURT
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DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,)
10)
11 Plaintiff,) 2:20-cr-137-JAD-VCF
12 VS.)
13 CYRUS ORLANDO ORTEGA,) STIPULATION TO CONTINUE
14) MOTIONS DEADLINE
Defendant.) (Second Request)
15 _____

16 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich,
17 United States Attorney, and Supriya Prasad, Assistant United States Attorney, counsel for
18 Plaintiff the United States Of America and Craig A. Mueller, Esq., counsel for Defendant Cyrus
19 Orlando Ortega, that the motions deadline date currently scheduled for October 19, 2020, be
20 continued to a date convenient to this court, but no sooner than sixty (60) days.
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22 This Stipulation is entered into for the following reasons:

- 23 1. Defense counsel is still reviewing the discovery in this case;
24 2. The parties agree to the continuance;
25 3. The additional time requested herein is not sought for purposes of delay but merely
26 to allow counsel for the defendant sufficient time within which to be able to effectively and
27 completely review the discovery materials provided and to properly prepare a defense for
28

1 Defendant, taking into account considerations of due diligence;

2 4. Denial of this request could result in a miscarriage of justice;

3 5. The additional time requested by this Stipulation is excludable in computing the

4 time within which the trial herein must commence pursuant to the Speedy Trial Act,

5 Title 18, United States Code, Section 3161(h)(8)(A), considering the factors under

6 Title 18, United States Code, Section 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv);

7 7. This is the first request to continue the motions deadline date.

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9 DATED this 14th day of October, 2020.
10

11 Defendant CYRUS ORLANDO ORTEGA
12

NICHOLAS A. TRUTANICH
United States Attorney

13 By: /s/Craig A. Mueller
14 CRAIG A. MUELLER, ESQ.
15 Counsel For Defendant

By: /s/Supriya Prasad
SUPRIYA PRASAD ESQ.
Assistant United States Attorney

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) 2:20-cr-137-JAD-VCF
)
)
VS.) FINDINGS OF FACT,
)
CYRUS ORLANDO ORTEGA,) CONCLUSIONS OF LAW,
)
)
Defendants.) AND ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Defense counsel continues to review the discovery in this matter;
 2. The parties agree to the continuance;
 3. The additional time requested herein is not sought for purposes of delay but to allow counsel for the defense the opportunity to properly prepare a defense for Defendant, taking into account considerations of due diligence;
 4. Denial of this request could result in a miscarriage of justice;
 5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(8)(A), considering the factors under Title 18, United States Code, Section 3161(h)(8)(B)(I) and 3161(h)(8)(B)(iv);
 6. This is the first request to continue the motions deadline date.

For all of the above-stated reasons, the ends of justice would be best served by continuing the motions deadline date.

1 CONCLUSIONS OF LAW

2 The ends of justice would be served by granting said continuance outweigh the
3 best interest of the public and the defendant in a speedy sentencing hearing, since the
4 failure to grant said continuance would be likely to result in a miscarriage of justice,
5 and would deny defense counsel the opportunity to prepare an effective defense for
6 his client, taking into account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
8 United States Code, Section 3161(h)(1)(A), 361(h)(7) and Title 18, United States Code, Section
9 3161(h)(8)(A), when considering the factors under Title 18, United States Code, Sections 3161
10 (h)(8)(B) and 3161(h)(8)(B)(iv).

11 ORDER

12 IT IS THEREFORE ORDERED that the motions deadline date currently scheduled
13 for October 23, 2020, be vacated and continued to December 23, 2020. Responses due by
14 January 6, 2021. Replies due by January 13, 2021.

15 DATED this 4th day of November, 2020.

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17 UNITED STATES DISTRICT JUDGE
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